

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WA.No. 2297 of 2006()

AGAINST THE JUDGEMENT/ORDER IN WPC.173/2006 Dated
16/08/2006
.....

APPELLANT: PETITIONER

SETHU P.P.,
PULLUVAM PARAMBIL HOUSE,
KANICHUKULANGARA P.O., CHERTHALA.

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS: RESPONDENTS

1. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.
2. KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.
3. DISTRICT CO-OPERATIVE BANK,
ALAPPUZHA, REPRESENTED BY ITS GENERAL MANAGER.

BY ADV. SRI. BENNY GERVASIS, GOVERNMENT PLEADER
SRI. P.C. SASIDHARAN, SC for PSC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ
=====

W.A. NO. 2297 OF 2006

=====

Dated this the 22nd day of January 2007

JUDGMENT

Abdul Gafoor,J

The appellant is a scheduled caste candidate. He was included in the rank list published by Public Service Commission for appointment to the post of clerk/cashier in the District Co-Operative Bank, Alappuzha. Appointment on direct recruitment through Public Service Commission is conducted in two segments. Going by Rule 187 of the Kerala Co-operative Societies Rules, 50 per cent of the vacancies are earmarked for qualified employees in the primary societies affiliated to District Co-Operative Bank and the other 50 per cent, by open market. Admittedly, the appellant is a candidate contesting for open market recruitment.

2. Section 80(4) provides that 10 per cent of the vacancies are reserved for scheduled caste candidates. Totally there are 154 candidates, it is submitted by the appellant. Going by

: 2 :

section 80(4) there shall be at least 15 candidates belonging to scheduled castes. But there was no sufficient candidates to meet that requirement in the list prepared by the Public Service Commission in which he is finding his name in the supplementary list; namely open recruitment. Therefore, as he is No. 10, among the scheduled caste candidates in the list prepared for the open market candidates, he should have been advised for at least one among the said 15 vacancies.

3. His contention thus is that the total reserved posts under section 80(4) shall be considered altogether for the two segments of recruitment.

4. We are unable to accept these contentions. Reservation provided for in section 80(4) is against the appointment. When appointment is compartamentalised into two segments as mentioned in Rule 187, necessarily the reservation principle shall also to be compartamentalised. Merely because there are no sufficient scheduled castes candidates for recruitment against the

W.A. NO. 2297 OF 2007

: 3 :

societies quota, the vacancies there shall not be carried over to the direct recruitment from among open candidates. If it is so done, the reservation principles and the 50 per cent limit also will be jeopardized. Necessarily, the view taken by the learned single Judge is justified and the writ appeal is dismissed.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

RV

W.A. NO. 2297 OF 2007

: 4 :